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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

YITZCHOK FRANKEL *et al.*,
Plaintiffs,

v.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA *et al.*,
Defendants.

Case No.: 2:24-cv-4702-
MCS

**PLAINTIFFS' REPLY IN
SUPPORT OF MOTION
FOR PRELIMINARY
INJUNCTION**

Date: July 29, 2024

Time: 9:00 a.m.

Courtroom: 7C

Judge: Hon. Mark C. Scarsi

* admitted *pro hac vice*

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INTRODUCTION

UCLA's numerous concessions make resolving this motion straightforward. UCLA does not deny that Plaintiffs and other Jews in the UCLA community have been systematically excluded from UCLA educational facilities, programs, and other parts of campus because they are Jews and because they refuse to denounce the one Jewish nation on Earth. UCLA does not deny that Plaintiffs have been harmed (PI.Mem.9-14), that they engage in sincere exercises of their Jewish faith (PI.Mem.17), or that they have been excluded precisely because of their Judaism (PI.Mem.16-17) and viewpoints (PI.Mem.20-21). UCLA does not deny that it did nothing to protect Plaintiffs from harassment and threats hindering Plaintiffs' ability to attend class (PI.Mem.11-14), take exams (PI.Mem.14), or go to the library (PI.Mem.12). Nor does UCLA deny that it hired the security guards who enforced Jew Exclusion Zones (PI.Mem.4) or that it instructed those personnel not to help Jews access campus (PI.Mem.5) but instead to send students away unless approved by the activists (PI.Mem.5).

Worse yet, UCLA now openly admits that UCLA *itself* erected the physical barricades (UCLA.Mem.3) that excluded Jews from the heart of campus. Nor does it deny that it follows the Robinson-Edley recommendations, which UCLA interprets as prohibiting calling law enforcement "preemptively" unless "absolutely necessary." (PI.Mem.5; Shemuelian Ex.11).

UCLA likewise does not deny that Plaintiffs have faced antisemitism that constitutes discrimination on the basis of religion, race, national origin, and viewpoint, or that the pervasive discrimination on campus has impeded their constitutional and statutory rights. That is no

1 surprise; the treatment to which Plaintiffs and other Jewish students
2 and faculty members have been subjected is, in a word, indefensible.

3 Yet despite conceding Plaintiffs' horrible mistreatment, UCLA says
4 this Court is powerless to do anything about it. In UCLA's telling, the
5 venomous state of affairs on its campus is both not its fault and unlikely
6 to continue. But those blithe assurances are no substitute for injunctive
7 relief and cannot be squared with reality. Faced with Plaintiffs'
8 painstakingly detailed (and painfully recounted) narration of what
9 actually transpired on its campus, UCLA simply ignores the many
10 dreadful facts that disprove its rosy account. But the discrimination
11 Plaintiffs have suffered to date is no isolated incident, and UCLA has
12 been no mere bystander. Rather than protect Plaintiffs, UCLA has not
13 just failed in its duties to protect students and ensure non-discriminatory
14 access, but has also affirmatively participated in the deprivation of their
15 rights. The only real way to ensure that Plaintiffs' rights do not continue
16 to be violated when they return to campus next month is for this Court
17 to order UCLA to cease its discrimination against Jewish students and
18 proactively protect them from antisemites.

19 **ARGUMENT**

20 **I. Plaintiffs are likely to succeed on the merits.**

21 UCLA quickly retreats to technical defenses precisely because UCLA
22 does not (and cannot) deny that Plaintiffs have experienced rampant
23 discrimination on its campus. UCLA instead just insists that it is not its
24 fault, and that the only "acts that *can* be attributed to UCLA" are lawful.
25 UCLA.Mem.13. UCLA is wrong on both counts.

26 First, the "crux" of Plaintiffs' motion is *not*, as UCLA claims, that "the
27 Royce Quad encampment" in April and May "injured Plaintiffs."

1 UCLA.Mem.13. It is that *UCLA itself* has injured Plaintiffs by actively
 2 facilitating that and other discriminatory activity. That is why Plaintiffs
 3 sued UCLA. UCLA did not just stand idly by as antisemitic activists took
 4 over its campus, harassed Jews and demanded denunciations of Israel to
 5 access key parts of campus. PI.Mem.4, 9-14. UCLA took action—and it
 6 chose to protect the perpetrators rather than the victims. It affirmatively
 7 erected barricades to protect the encampments, UCLA.Mem.3, and hired
 8 extra security to reinforce those zones and *protect the activists*, Ghayoum
 9 ¶¶35-36, all while instructing security not to intervene to assist Jewish
 10 students and faculty facing threatened and sometimes actual violence
 11 and blocked from accessing campus. Frankel ¶¶32-35, 39-42; Ghayoum
 12 ¶¶35-45 Shemuelian ¶¶105-10; Shamsa Declaration ¶¶8-10.

13 And as much as UCLA wants to make this case solely about the
 14 appalling events of April and May, those events are just an especially
 15 vivid illustration of a more persistent problem. UCLA has long failed to
 16 protect Jewish students from harassment and threats while they do basic
 17 things like attend class and take exams. Shemuelian ¶¶24-36, 44-45, 82-
 18 86, 98, 113, 121-39. Furthermore, antisemitic activists set up an
 19 encampment on June 10 and attacked UCLA’s Chabad rabbi. PI.Mem.9
 20 & n.3. Yet, once again, UCLA affirmatively refused to provide protection:
 21 The rabbi “sought assistance from nearby police” but “was told ‘our main
 22 concern is the crowd control.’” PI.Mem.9 & n.4. And he was not alone;
 23 others likewise sought help from campus police, only to be told that they
 24 were unable to intervene (while simultaneously protecting the
 25 antisemitic activists). *See, e.g.*, Shamsa ¶¶6-10 (describing “firsthand”
 26 “experience[]” with “UCLA’s failure to protect ... Jewish faculty and
 27 students ... even from direct violence”). UCLA has thus shown that it
 28

1 very much has a policy, and an unconstitutional one at that: When
2 activists discriminate against and threaten Jews, UCLA protects the
3 activists, not their Jewish victims.

4 UCLA nowhere denies that it affirmatively “instructed police not to
5 interfere as Plaintiffs’ rights were being trampled on, and even stationed
6 security staff to reinforce the racial and religious segregation and
7 discrimination.” PI.Mem.22. Indeed, it nowhere denies *any* of Plaintiffs’
8 allegations showing “that UCLA facilitated or supported discrimination
9 and harassment.” UCLA.Mem.15. UCLA’s detour into deliberate
10 indifference is therefore irrelevant, as Plaintiffs absolutely “allege that
11 *UCLA* intentionally singled out Jewish students for unfavorable
12 treatment.” UCLA.Mem.16. When a state actor instructs its security
13 force to protect antisemitic activists but leave the Jews they are
14 terrorizing to fend for themselves, it goes far beyond “failing to take
15 action” to prevent discrimination. UCLA.Mem.14. UCLA took action and
16 its actions actively *facilitated* efforts to condition access to its educational
17 facilities and opportunities on denouncing one’s faith and heritage. That
18 is about as clear-cut as constitutional and Title VI violations come.

19 UCLA denies having an affirmative practice or “policy” of protecting
20 the activists first and their victims (if at all) only as a last resort.
21 UCLA.Mem.10. But the Robinson-Edley Report refutes that claim.
22 Administrators are instructed not to even “consider engaging the campus
23 police” until after they have “give[n] protesters the opportunity to leave”
24 and “determined” that the protest activity is causing “a significant
25 interference with their campus’ academic mission.” Dkt.62-6 at 49
26 (Robinson-Edley Report). Involving law enforcement to assist victims is
27 a last resort: “The campus Administration should make every reasonable
28

1 effort to engage demonstrators in a dialogue that addresses the substance
 2 of the demonstrators’ concerns and aims, with the goal of de-escalating
 3 any situation such that police involvement becomes unnecessary.” *Id.* at
 4 70-71. That is why UCLA told the community (and Chancellor Block told
 5 Congress) that UC “systemwide policy guidance” *requires* UCLA “not to
 6 request law enforcement involvement *preemptively*,” but “only if
 7 *absolutely necessary* to protect the physical safety of our campus
 8 community.” Shemuelian Ex.11 (emphasis added); *contra*
 9 UCLA.Mem.10.

10 It is no wonder, then, that Plaintiffs continue to fear for their on-
 11 campus safety, and have made the difficult decision to “refrain from
 12 several activities” in which they “would otherwise participate” in the new
 13 school year. Frankel Reply Declaration ¶3; Shemuelian Reply
 14 Declaration ¶3. UCLA avowedly will not step in on their behalf unless
 15 and until things become so extreme as to pose a threat to the physical
 16 safety of the community—which, judging by the school’s actions to date,
 17 apparently means the whole community, not the Jewish community
 18 whose physical safety activists have unapologetically threatened at every
 19 opportunity.

20 Moreover, even were it merely a question of deliberate indifference,
 21 the result would be the same, as UCLA’s “response to the harassment”
 22 confirms that UCLA was “clearly unreasonable in light of the known
 23 circumstances.” *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 648
 24 (1999). As UCLA well knew, myriad “educational facilities” on campus
 25 “were open only to those willing to denounce Israel and eschew wearing
 26 visible Jewish garb[.]” PI.Mem.16; *see* Frankel ¶¶11, 23-25, 28-42;
 27 Ghayoum ¶¶10-11, 34-48, 56-57; Shemuelian ¶¶10, 100-20, 125-30;

1 Rassbach Ex.22. To say that “UCLA’s actions neither suppressed nor
2 coerced speech,” UCLA.Mem.16, is thus bizarre. Had UCLA protected its
3 Jewish community members, rather than the activists calling for their
4 death, being Jewish would not have been a safety concern, and Plaintiffs
5 would not have been forced to choose between denouncing the only
6 Jewish nation and accessing campus.

7 Instead of taking immediate action to protect and restore access to
8 Jewish students, UCLA compounded the problem by not only protecting
9 the perpetrators of the discrimination, but instructing its security not to
10 intervene to protect Jews. And that was no isolated incident; the school
11 has repeatedly and persistently proven deaf to the pleas of Plaintiffs and
12 other Jews begging for UCLA’s protection. Even Chancellor Block
13 admitted that the encampments left students “physically blocked from
14 accessing parts of the campus” and caused many in the community,
15 “especially our Jewish students,” to live “in a state of anxiety and fear.”
16 Shemuelian Ex.15. Yet UCLA chose to protect those spewing (and
17 sometimes acting on) antisemitic threats, but not Jews. If that is not
18 deliberate indifference, it is difficult to imagine what is.

19 UCLA’s half-hearted narrow-tailoring argument fares no better. Of
20 course promoting public safety is a compelling interest. UCLA.Mem.17-
21 18. But that interest cannot override the Constitution’s core commands.
22 *See Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 20-21
23 (2020). “Government is not free to disregard the First Amendment in
24 times of crisis.” *Id.* at 21 (Gorsuch, J., concurring). And it certainly cannot
25 protect the public safety of only one side of a debate, let alone the side
26 that is behaving lawlessly. Indeed, UCLA does not even try to explain
27 how responding to a public safety risk by instructing campus security *not*

1 to protect the targets could possibly satisfy “the most demanding test
2 known to constitutional law.” *City of Boerne v. Flores*, 521 U.S. 507, 534
3 (1997). Plaintiffs have thus shown far more than a likelihood that their
4 constitutional and statutory claims will succeed.

5 **II. UCLA’s attempts to deny Plaintiffs’ need for and entitlement**
6 **to injunctive relief blink reality and misstate the law.**

7 With little to say about the merits, UCLA insists instead that
8 Plaintiffs have neither standing nor need to seek injunctive relief. That
9 argument blinks reality.

10 **A. Plaintiffs have standing to seek prospective relief and face**
11 **irreparable harm.**

12 UCLA does not and cannot deny that Plaintiffs have sufficiently
13 alleged past injuries that are traceable to UCLA and redressable by
14 *damages*; they only seek to show that Plaintiffs lack standing to seek
15 *prospective* relief. *See* UCLA.Mem.8-12. UCLA thus insists that the
16 concrete harms Plaintiffs have already suffered are “*largely irrelevant*”
17 to whether they face any continuing risk of future injury. UCLA.Mem.8
18 (quoting *Nelsen v. King Cnty.*, 895 F.2d 1248, 1251 (9th Cir. 1990)).
19 UCLA’s premise and conclusion are both wrong.

20 To be sure, a plaintiff seeking “a prospective remedy” must establish
21 “an ‘actual and imminent, not conjectural or hypothetical’ threat of future
22 harm.” *Davidson v. Kimberly-Clark Corp.*, 889 F.3d 956, 967-69 (9th Cir.
23 2018) (quoting *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009)).
24 And a plaintiff seeking injunctive relief must demonstrate a “sufficient
25 likelihood that he will again be wronged.” *Id.* (quoting *City of L.A. v.*
26 *Lyons*, 461 U.S. 95, 111 (1983)); *see also id.* at 971 n.7. But “[p]ast wrongs,
27 though insufficient by themselves to grant standing, are ‘evidence
28 bearing on whether there is a real and immediate threat of repeated

1 injury.” *Id.* at 967 (quoting *Lyons*, 461 U.S. at 102). Indeed, past exposure
 2 to harmful conduct justifies injunctive relief when (as here) it continues
 3 to cause adverse effects. *See Index Newspapers LLC v. United States*
 4 *Marshals Serv.*, 977 F.3d 817, 825-26 (9th Cir. 2020). And “the possibility
 5 of recurring injury ceases to be speculative when actual repeated
 6 incidents are documented.” *Id.* at 826. Moreover, where government
 7 action “implicates First Amendment rights, the inquiry tilts dramatically
 8 toward a finding of standing” to seek preliminary injunctive relief. *LSO,*
 9 *Ltd. v. Stroh*, 205 F.3d 1146, 1155 (9th Cir. 2000). The harms Plaintiffs
 10 have already suffered thus cannot be waved away, as they are what
 11 makes it so glaringly obvious that Plaintiffs’ injuries are no mere thing
 12 of the past.¹

13 Unable to deny those harms, UCLA assures this Court that they will
 14 not recur. As evidence, UCLA claims that, after the encampments
 15 initially appeared in April, it took “decisive action” when activists
 16 returned and has “prevented” further discriminatory incursions “[s]ince
 17 early May.” UCLA.Mem.8-9. That is revisionist history in the extreme.
 18 *Contra* UCLA.Mem.5, activists did not just “attempt[]” to establish
 19

20
 21 ¹ As *Kimberly-Clark*, *Index Newspapers*, and other cases show, the
 22 supposedly contrary authority UCLA cites (*i.e.*, *Nelsen*) does not mean
 23 what UCLA says it does. *Nelsen* “does not control here because it dealt
 24 with a situation ‘where the litigant’s claim relie[d] upon a chain of
 25 speculative contingencies ... that include[d] the violation of an
 26 unchallenged law.’” *LSO*, 205 F.3d at 1156 n.10 (as in original) (quoting
 27 *Nelsen*, 895 F.2d at 1252). Furthermore, in deciding “at this stage of the
 28 proceedings” whether plaintiffs have “standing to pursue injunctive
 relief,” courts are “required ... to presume the truth of [plaintiffs’]
 allegations” and “construe [them] in [plaintiffs’] favor.” *Kimberly-Clark*,
 889 F.3d at 971-72.

1 another encampment on May 23, and they did not quickly “disperse[.]”
 2 after being told they would face discipline. Instead, as Defendants said
 3 at the time, the activists again succeeded in “erecting barricades,
 4 establishing fortifications, and blocking access to parts of the campus and
 5 buildings”—and UCLA again held law enforcement back as multiple
 6 requests to disperse went unheeded. Shemuelian Exs.25-26 (UCLA
 7 campus communications).

8 On June 10, activists *again* “set up an unauthorized and unlawful
 9 encampment with tents, canopies, wooden shields, and water-filled
 10 barriers,” and *again* “restricted access” to university facilities. PI.Mem.8-
 11 9 (quoting Rassbach Ex.21). UCLA reduces the June 10 melee to a single,
 12 self-congratulatory sentence and trumpets its response as evidence that
 13 Plaintiffs have nothing to fear when they return to school. UCLA.Mem.5.
 14 But UCLA did not “call[] law enforcement immediately” in response to
 15 the June 10 activity. UCLA.Mem.5. Instead, as UCLA has acknowledged
 16 publicly, things came to a head “around 3:15 p.m.” and persisted
 17 “[t]hroughout the evening”—and, “as a result,” “some students ‘miss[ed]
 18 finals because they were blocked from entering classrooms,’ while others
 19 were ‘evacuated in the middle of’ their exams.” PI.Mem.9; Shemuelian
 20 Ex.27. Indeed, the violence was so severe that the Vice Chancellor had to
 21 be escorted out with armed security. Frankel Reply Decl. ¶10.²

22 In short, the initial April encampment was no one-off, and UCLA was
 23 no helpless bystander. It is little surprise, then, that Plaintiffs still do not
 24 “feel safe walking around campus.” Shemuelian Reply Decl. ¶6. UCLA’s
 25

26 ² See @susancollinsla, Instagram (June 11, 2024), tinyurl.com/bp399kce
 27 (video of activists mobbing Vice Chancellor Beck and shouting, “you’re
 28 not safe”).

1 blithe assurance that Plaintiffs need not fear that they “will again be
 2 involved in one of those unfortunate instances,” UCLA.Mem.9 (quoting
 3 *Lyons*, 461 U.S. at 108), ignores everything they have personally
 4 experienced. And though summer is quieter on campus, nothing in the
 5 actions of the activists (PI.Mem.8-9; Rassbach Exs.15-16) or the
 6 university provides any serious reason to doubt that the cycle will resume
 7 once school does. To the contrary, UCLA all but concedes that it will,
 8 making the remarkable claim that Plaintiffs should *expect* to be “exposed”
 9 to the kinds of harassment they have faced “on a public university
 10 campus, where the First Amendment applies.” UCLA.Mem.9.³

11 Worse still, UCLA expressly holds out the prospect that it could again
 12 “cho[o]se to try to de-escalate the situation by allowing the protest to
 13 continue,” because there was nothing wrong with de-escalation the first
 14 go-round. UCLA.Mem.15. This threat alone justifies injunctive relief. *See*
 15 *Diocese of Brooklyn*, 592 U.S. at 20 (“injunctive relief is still called for
 16 because the applicants remain under a constant threat that the area in
 17 question will be reclassified.”).

18 **B. The public interest and balance of equities favor Plaintiffs.**

19 UCLA does not (and cannot) deny that “rais[ing] serious First
 20 Amendment questions’ ... alone ‘compels a finding that the balance of
 21 hardships tips sharply in [plaintiffs] favor,” *Fellowship of Christian*
 22 *Athletes v. San Jose Unified Sch. Dist. Bd. of Educ.*, 82 F.4th 664, 695
 23 (9th Cir. 2023) (en banc), or that “it is always in the public interest to
 24

25 ³ UCLA elsewhere admits that the activists’ actions were not protected
 26 speech, but “unauthorized,” “unlawful,” and “not peaceful,” Shemuelian
 27 Exs. 15, 19, 26-27, and involved harassment and assault, UCLA.Mem.9.
 28 *Cf.* Dkt.62-6 at 26 (“civil disobedience” not “protected speech”).

1 prevent the violation of a party’s constitutional rights,” *Melendres v.*
 2 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Since its policies and practices
 3 continue to violate Plaintiffs’ constitutional rights and subject Plaintiffs
 4 to discriminatory treatment—and since Plaintiffs have every reason to
 5 fear that, absent injunctive relief, the discriminatory treatment will
 6 continue in the fall—the balance of equities and the public interest
 7 strongly support granting a preliminary injunction.

8 **C. Plaintiffs’ requested injunction complies with Rule 65.**

9 Finally, UCLA’s objections to the requested injunction’s metes and
 10 bounds misstate the law and misrepresent Plaintiffs’ position. Of course
 11 a federal court can order a public university to provide Jewish students
 12 with equal access and treatment in university programs. The
 13 complexities of running a university hardly make it “vague” or
 14 “inadministrable” to order that university to treat Jews equally
 15 UCLA.Mem.21. In fact, Plaintiffs’ requested injunction *explicitly*
 16 *recognizes* that UCLA should be ordered to provide a remediation plan to
 17 achieve that constitutionally-required end. Dkt.48-76. UCLA’s continued
 18 refusal to acknowledge that it can and must meet the basic requirements
 19 of the Constitution simply confirms that Plaintiffs have every reason to
 20 fear for their safety when they return to campus in a few short weeks,
 21 and that the only thing that can ensure that the unconstitutional and
 22 unlawful acts visited upon Plaintiffs and other Jews over the past year
 23 do not recur is an order from this Court instructing UCLA to cease its
 24 ongoing discrimination against Jewish students.

25 **CONCLUSION**

26 The Court should grant Plaintiffs’ requested injunction.
 27
 28

1 Dated: July 15, 2024

Respectfully submitted,

2 /s/ Eric C. Rassbach

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CERTIFICATE OF COMPLIANCE

Undersigned counsel of record for Plaintiffs certifies that this brief contains 2,998 words, which complies with this Court's word limit for reply memoranda.

Dated: July 15, 2024

/s/ Eric C. Rassbach
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15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 YITZCHOK FRANKEL *et al.*,

18 Plaintiffs,

19 v.

20 REGENTS OF THE UNIVERSITY OF
21 CALIFORNIA *et al.*,

22 Defendants.

Case No.: 2:24-cv-4702

**DECLARATION OF
YITZCHOK FRANKEL
IN SUPPORT OF
PLAINTIFFS' MOTION
FOR PRELIMINARY
INJUNCTION**

Date: July 29, 2024

Time: 9:00 a.m.

Courtroom: 7C

Judge: Hon. Mark C. Scarsi

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* admitted *pro hac vice*

1 I, Yitzchok Frankel, declare and state as follows:

2 1. I am over the age of 18 and am capable of making this declaration
3 pursuant to 28 U.S.C. § 1746. I have personal knowledge of all of the
4 contents of this declaration.

5 2. This lawsuit was filed on June 5, 2024. Since the time of that filing,
6 UCLA has continued its failure to remedy the antisemitism running
7 rampant on campus. Those failures are still having a negative impact on
8 me and are preventing me from entering campus without fear.

9 3. I have decided to refrain from several activities I would otherwise
10 participate in because UCLA continues to refuse to guarantee my full,
11 equal, and safe access to campus as a Jewish student.

12 4. For instance, I am the Vice President of the Jewish Law Students
13 Association (JLSA). On June 27, 2024, the Director of Student Life at the
14 Law School contacted the members of JLSA's board, asking whether we
15 "would want to participate in hosting a lunch gathering for 1Ls on one
16 day from August 16-22."

17 5. Under ordinary circumstances, I would have leapt at the chance to
18 participate in this event. My Jewish identity and religion are integral to
19 who I am, and I believe it is important to mentor incoming students and
20 encourage them to be proud of their Judaism, too. I believe this is
21 especially crucial now, given the heinous attacks taking place against
22 Jews across the country, in Los Angeles, and on campus.

23 6. However, given the current on-campus climate and UCLA's refusal
24 to ensure the safety of Jewish students, I feel compelled to decline
25 because I do not feel safe participating in this event.

26 7. Given the continued (and successful) attempts to take over
27 buildings and courtyards during May and June—including the law school
28 courtyard—I believe it is likely that another hateful demonstration or

1 encampment will take place during orientation. I believe the activists
2 could view this as the perfect opportunity to intimidate incoming Jewish
3 students. And due to UCLA's failures during those same May and June
4 takeovers, I have every reason to expect that UCLA will continue
5 allowing such antisemitic activism and will not appropriately prevent,
6 condemn, or redress these demonstrations nor punish the individuals
7 who continue to participate in them.

8 8. My beliefs about UCLA's likely response are buttressed by a recent,
9 dangerous, and violent attack on Jewish congregants at the Adas Torah
10 synagogue—located in the Pico-Robertson neighborhood, which is only a
11 few miles from UCLA's campus and is also where I live. In fact, I pass by
12 that synagogue every Sabbath, and I have often prayed there. That
13 attack took place on June 23, 2024, after prolonged coordination by
14 activists via social media posts that included many of the same groups
15 that have instigated demonstrations on UCLA's campus. After the attack
16 began, Los Angeles police were instructed to “stand down” and not
17 intervene.

18 9. These failures mirror the noninterventionist policies of UCLA.
19 Especially since UCLA has never condemned that noninterventionist
20 policy or abandoned it to ensure the safety of its Jewish students, I fully
21 expect it to be followed if a similar attack takes place during
22 orientation—or at any other time.

23 10. Indeed, I am aware that during the most recent campus
24 demonstration on June 10, UCLA did nothing to protect its Jewish
25 students even though the violence became so severe that Vice Chancellor
26 Michael Beck had to be escorted away with armed security guards. As he
27 was being escorted away, activists were shouting, “fuck you” and “you're
28 not safe.” If not even UCLA's most senior officials can move through

1 campus safely, then I don't understand how I—a Jewish student and
2 target of these antisemitic demonstrations—can feel safe doing the same
3 either.

4 11. Under ordinary circumstances, I also would have traveled to
5 campus before the beginning of classes to purchase my textbooks from
6 the campus bookstore. I go early to ensure I get my textbooks before books
7 are sold out. However, due to the concerns over my safety, I feel pressured
8 to refrain from making these early purchases.

9 12. UCLA's failures have also continued to negatively impact my
10 family. Last year, on July 2, 2023, my family traveled to campus to
11 purchase UCLA-branded baby clothing in anticipation of the birth of our
12 youngest son. This campus trip was just one of many times that I proudly
13 brought my family to campus so my children could experience and
14 understand my studies and how I am working to provide for them.

15 13. While there, we took a picture in front of the "Bruin Bear" in Bruin
16 Plaza to commemorate the occasion and our happiness at learning that a
17 new baby boy would soon be joining our family.


18 14. At the time, we planned to return to campus after the birth of our
19 son to visit the on-campus botanical gardens and to re-create the photo—
20 this time with the newest member of our family in tow.

21 15. Bruin Plaza has since been the site of demonstrations by the
22 groups that instigated the encampments and the Jew Exclusion Zone.

23 16. Therefore, as a father and husband, I could never put my family—
24 particularly my young children—at risk by bringing them to campus,
25 knowing that, should anything happen to us, UCLA would not intervene.
26 We have accordingly cancelled our trip and abandoned this plan to make
27 family memories.
28

1 I declare under penalty of perjury that the foregoing is true and correct.
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3 Executed on this 11 day of July, 2024.
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6 Yitzchok Frankel
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DECLARATION OF YITZCHOK FRANKEL

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2 Mark L. Rienzi (DC Bar No. 494336)*
3 Laura Wolk Slavis (DC Bar No. 1643193)*
4 Jordan T. Varberg (DC Bar No. 90022889)*
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16 706 Duke Street
17 Alexandria, VA 22314

18 *Attorneys for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 YITZCHOK FRANKEL *et al.*,

22 Plaintiffs,

23 v.

24 REGENTS OF THE UNIVERSITY OF
25 CALIFORNIA *et al.*,

26 Defendants.

Case No.: 2:24-cv-4702

**DECLARATION OF
EDEN SHEMUELIAN
IN SUPPORT OF
PLAINTIFFS' MOTION
FOR PRELIMINARY
INJUNCTION**

Date: July 29, 2024

Time: 9:00 a.m.

Courtroom: 7C

Judge: Hon. Mark C. Scarsi

27
28
* admitted *pro hac vice*

1 I, Eden Shemuelian, declare and state as follows:

2 1. I am over the age of 18 and am capable of making this declaration
3 pursuant to 28 U.S.C. § 1746. I have personal knowledge of all of the
4 contents of this declaration.

5 2. This lawsuit was filed on June 5, 2024. Since the time of that filing,
6 UCLA has continued its failure to remedy the antisemitism running
7 rampant on campus. Those failures are still having a negative impact on
8 me and are preventing me from entering campus without fear.

9 3. I have decided to refrain from several activities I would otherwise
10 participate in because UCLA continues to refuse to guarantee my full,
11 equal, and safe access to campus as a Jewish student.

12 4. For instance, because of my love for UCLA's campus, I typically
13 choose to complete work for my summer jobs from various on-campus
14 facilities. Last summer, I chose to work from the Shapiro Courtyard and
15 the law school library two to three times a week.

16 5. Especially since the violent occupation of Shapiro courtyard on
17 June 10, I do not feel safe venturing onto campus at all, let alone to these
18 spaces. I have therefore refrained from setting foot on campus, as was my
19 typical custom.

20 6. UCLA's failure to remedy antisemitism also means that I have felt
21 pressured not to provide orientation to friends who are beginning their
22 first year at UCLA's law school. Initially, I had planned to show them
23 around to my favorite places on campus and to help get them excited
24 about the upcoming year. But because UCLA has refused to take action
25 to guarantee my safety and full access to campus, I no longer feel safe
26 walking around campus. I have therefore chosen not to do this for my
27 friends.
28

1 7. Last year, I was asked to participate in orientation activities for
2 incoming 1L law students, but I was out of town and could not attend.
3 For that reason, I was hoping to participate in similar orientation
4 activities this year, as I feel it is an important form of campus
5 involvement and mentoring. But because of UCLA's refusals to address
6 antisemitism, I do not feel that I can volunteer for orientation this year.
7

8 I declare under penalty of perjury that the foregoing is true and correct.
9

10 Executed on this 11th day of July, 2024.
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13 Eden Shemuelian
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Attorneys for Plaintiffs

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 YITZCHOK FRANKEL *et al.*,

18 Plaintiffs,

19 v.

20 REGENTS OF THE UNIVERSITY OF
21 CALIFORNIA *et al.*,

22 Defendants.

Case No.: 2:24-cv-4702

**DECLARATION OF
KAMRAN SHAMSA
IN SUPPORT OF
PLAINTIFFS' MOTION
FOR PRELIMINARY
INJUNCTION**

Date: July 29, 2024

Time: 9:00 a.m.

Courtroom: 7C

Judge: Hon. Mark C. Scarsi

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* admitted *pro hac vice*

1 I, Kamran Shamsa, declare and state as follows:

2 1. I am over the age of 18 and am capable of making this declaration
3 pursuant to 28 U.S.C. § 1746. I have personal knowledge of all of the
4 contents of this declaration.

5 2. I am currently an Associate Clinical Professor at UCLA. Since 2011,
6 I have been a member of the UCLA faculty in the David Geffen School of
7 Medicine and the Department of Medicine/Division of Cardiology.

8 3. Prior to joining the faculty, I completed an internship in
9 Medicine/Pediatrics in 2005, a residency in Internal Medicine/Pediatrics
10 in 2008, and a fellowship in Adult Cardiovascular Disease in 2011, all at
11 the UCLA School of Medicine.

12 4. I spent four years on the campus of UCLA as undergraduate,
13 attaining a Bachelor of Science in Physiological Science in 1998. After
14 graduation, I spent two additional years as a research associate at UCLA.
15 All in all, I have spent 27 of the past 31 years as part of the UCLA campus
16 community.

17 5. I am an observant Jew. My Jewish faith and identity are at the core
18 of who I am.

19 6. I have been alarmed and troubled by the rising wave of
20 antisemitism that has swept across UCLA's campus, as well as UCLA's
21 complicity in allowing that antisemitism to grow and thrive.

22 7. On numerous occasions, I experienced firsthand UCLA's failure to
23 protect me and other Jewish faculty and students from both the
24 exclusionary encampments, and even from direct violence.

25 8. On April 25, 2024, I attempted to enter the encampment to see what
26 was taking place inside. As I approached, I was stopped by UCLA
27 security guards stationed outside the encampment and told I could not
28 go in. Behind the security guards, a group of activists were lined up side-

1 by-side to stop anyone from the group of Jews standing outside the
2 encampment from entering the encampment. Their faces were covered,
3 and they were shouting anti-Israel and anti-Jewish epithets and slurs at
4 the Jewish crowd outside the edge of the encampment. The security
5 guards did not intervene.

6 9. In the late morning on April 28, 2024, I walked from the Ronald
7 Reagan UCLA Medical Center toward Royce Quad after finishing my
8 cardiology consultations. On the main walkway on campus called Bruin
9 Walk, I was repeatedly harassed by various activists, who were holding
10 signs and intimidating anyone that they deemed not on their side. As I
11 neared Royce Quad to attend a pro-Israel rally, a large, masked man
12 approached me and aggressively pushed me to the ground. This occurred
13 within plain sight of at least a dozen UCLA security guards. These
14 security guards all witnessed what happened to me but did nothing to
15 intervene, did not pursue my assailant, and did not make any attempt to
16 help me get up from the ground as I lay there flat on my back. As a result,
17 my assailant simply walked away, as though nothing had happened.

18 10. Shaken, I slowly rose and collected myself. After walking
19 approximately another 100 feet, a UCLA security guard approached me,
20 pushing against my chest with both hands and telling me that no one
21 could cross the plaza. It was only after I displayed my faculty badge and
22 insisted on my right to cross to the counter-protest that I was allowed to
23 proceed.

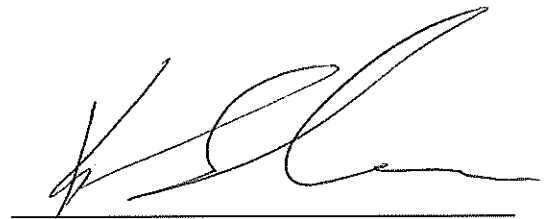
24 11. On April 30, 2024, I watched the violence at the encampment
25 unfold on social media and through local TV coverage. Appalled and
26 afraid by what I saw, I called the Los Angeles Police Department, begging
27 them to intervene. I was told by the dispatcher that LAPD could not
28

1 intervene unless requested to do so by the UCLA Administration. Then,
2 the call was abruptly ended.

3 12. I then called the University of California Police Department
4 (UCPD) three times between approximately 10:30 and 11:30 PM. I
5 explained that I was a UCLA faculty member and that police were
6 desperately needed at the encampment site to put a stop to the rapidly
7 escalating violence. I was informed that UCPD would only intervene if
8 instructed by the UCLA administration to do so. Since they had not
9 received such orders, they would not assist.

10
11 I declare under penalty of perjury that the foregoing is true and correct.
12

13 Executed this 9th day of July 2024.
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A handwritten signature in black ink, appearing to read 'Kamran Shamsa', written over a horizontal line.

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16 Kamran Shamsa
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